

CLERKS OFFICE U.S. DISTRICT COURT  
AT ABINGDON, VA  
FILED

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA

OCT 02 2020

JULIA C. DUDLEY, CLERK  
BY: *Deputy Clerk*  
DEPUTY CLERK

United States of America )  
)  
v. ) Case No. 1:20CR26  
)  
JAMES BROWN, )  
Defendant. )

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant must not commit any offense in violation of federal, state or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if the collection is authorized by 42 USC 14135(a)
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before any change in address or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve any sentence imposed. The defendant must next appear at U.S. District Court, 180 West Main Street, Abingdon, VA on 1/14/21 at 10:30 a.m. in Abingdon, VA for Pre-Trial Conference and 2/8/21 thru 2/12/21 at 9:00 a.m. in Abingdon, VA for Jury Trial.
- (5) The defendant must sign an Appearance Bond, if ordered.

ADDITIONAL CONDITIONS OF RELEASE

The defendant is placed in the custody of Penelope Brown, who agrees (a) to supervise the defendant in accordance with all conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: *Penelope Brown*  
Custodian or Proxy

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions listed below:

- (6) The defendant must:
  - (a) The defendant shall avoid contact outside the presence of his/her counsel with any alleged victims or potential witnesses regarding his/her case. Shall have no contact whatsoever with the victim or her family in this case. Must not be present on the victim's property.
  - (b) The defendant shall report as directed by the probation officer, shall follow the direction of the probation officer; shall promptly report any personal status changes to the probation officer: this shall include immediately reporting any contact by law enforcement officers regarding a criminal investigation or any additional criminal charges placed against the defendant. The defendant shall reside at 140 South 1<sup>st</sup> Street, Wytheville, VA and must reside with his mother, fiancé and their children at the approved residence.
  - (c) The defendant shall abstain from the excessive use of alcohol or any use or possession of any controlled substances unless prescribed by a licensed treating physician for a legitimate medical purpose.

- (d) The defendant shall not possess a firearm or other dangerous weapon and shall reside in a residence free of such.
- (e) The defendant shall submit to random routine drug and or alcohol testing as directed by the probation officer; shall submit to random pill counts as directed by the probation officer.
- (f) The defendant shall not travel outside the Western District of Virginia without first obtaining permission from the probation officer.
- (g) The defendant shall submit to warrantless search and seizure of his/her person and property as directed by the probation officer for the purpose of determine if he/she is in compliance with his/her conditions of pretrial release.
- (h) The defendant shall actively seek and/or maintain employment.
- (i) The defendant shall not associate with any known users/possessors/distributors or manufacturers of illegal controlled substances and shall not be present in any location where illegal controlled substances are being used, possessed, manufactured and/or distributed, unless approved by the supervising officer in cooperation with law enforcement officers.
- (j) The defendant shall restrain any animals on the premises of his/her residence in a way so as to not interfere with the probation officer's access to the defendant's residence and to ensure the officer's safety.
- (k) The defendant shall be placed on home detention subject to electronic monitoring and all residential absences must be approved in advance by the probation officer; and
- (l) If the defendant possesses a passport, he/she shall surrender his/her passport to the U.S. Probation Office to be held pending further order of the court; if the defendant does not currently possess a passport, the defendant shall not apply to obtain a passport.

#### **ADVISE OF PENALTIES AND SANCTIONS**

##### **TO THE DEFENDANT:**

##### **YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:**

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt and could result in a possible term of imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (i.e., in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250.00 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant, retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you will be fined not more than \$250.00 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you will be fined not more than \$250.00 or imprisoned for not more than five years, or both;
- (3) any other felony, you will be fined not more than \$250,000 or imprisoned not more than one year, or both;
- (4) a misdemeanor, you will be fined not more than \$100,000 or imprisoned not more than one year or both;

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

#### **ACKNOWLEDGMENT OF DEFENDANT**

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.



\_\_\_\_\_  
Defendant's Signature

**DIRECTIONS TO UNITED STATES MARSHAL**

(X) The defendant is ORDERED released after processing.  
( ) The United States Marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: 10/2/20



\_\_\_\_\_  
James P. Jones

James P. Jones, United State District Judge